

ORDINANCE NO. 04- 261

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
AMENDING THE LOS ALTOS MUNICIPAL CODE BY REPEALING CHAPTER 14.76
OF TITLE 14 AND REPLACING IT WITH A NEW CHAPTER 14.76 PERTAINING TO
SINGLE FAMILY RESIDENTIAL DESIGN REVIEW

The City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF CODE: Chapter 14.76 of Title 14 of the Los Altos Municipal Code entitled “Architecture and Site Control Committee” is hereby repealed and replaced with a new Chapter 14.76 entitled “Design Review – Single Family Districts”:

14.76.010 Purpose.

It is the policy of the city to review the proposed construction or exterior alterations of single-family dwellings and accessory structures under circumstances which include, but are not limited to, where such structures might constitute an unreasonable invasion of privacy, unreasonable interference with views, light, and air, or create adverse impacts upon the aesthetic character of neighboring residential structures. The purpose of this section is to establish a set of criteria, objectives, and procedures to be followed with respect to the design review of any proposed single-family main or accessory structure, or addition or alteration thereto, and to insure that the new development occurs in a manner which is consistent with the objectives of this chapter, the design criteria of single-family residential design guidelines and the goals and policies of the general plan.

14.76.020 Single Family Residential Design Guidelines.

Any new main or accessory structure, or addition or alteration thereto, shall be consistent with the policies and implementation techniques described in the single-family residential design guidelines as adopted by the city council.

14.76.030 Requirement for Administrative Design Review.

No building permit shall be issued for any new main or accessory structure, or addition or alteration thereto, until such construction has received administrative design review approval by the city planner. Window replacements, reroofing and rooftop venting and exhausting equipment, and mechanical equipment are exempt from this requirement.

14.76.040 Requirement for Architecture and Site Review Committee Design Review.

In each of the following cases, no building permit shall be issued for the construction, addition or alteration of any main or accessory structure in any R-1 district until such structure has received design review approval by the architecture and site review committee pursuant to this chapter:

- A. Any new two-story structure.
- B. Any conversion of a one-story structure to a two-story structure.
- C. Any addition of habitable area to an existing two-story structure.
- D. Any new one-story structure over twenty feet in height.
- E. Whenever design review is specifically required under the terms or conditions of any tentative subdivision map, use permit, variance or conditional rezoning.
- F. Whenever, in the opinion of the city planner, the construction or expansion of a main or accessory structure may be in conflict with the design review findings contained in Section 14.76.050 of this chapter.

14.76.050 Design Review Findings.

In approving an application for design review, the approving authority shall make the following findings:

- A. The proposed structure or alteration complies with all provisions of this chapter;
- B. The height, elevations, and placement on the site of the proposed main or accessory structure or addition, when considered with reference to the nature and location of residential structures on adjacent lots, will avoid unreasonable interference with views and privacy and will consider the topographic and geologic constraints imposed by particular building site conditions;
- C. The natural landscape will be preserved insofar as practicable by minimizing tree and soil removal; grade changes shall be minimized and will be in keeping with the general appearance of neighboring developed areas;
- D. The orientation of the proposed main or accessory structure or addition in relation to the immediate neighborhood will minimize the perception of excessive bulk;
- E. General architectural considerations, including the character, size, scale, and quality of the design, the architectural relationship with the site and other buildings, building materials, and similar elements have been incorporated in order to insure the compatibility of the development with its design concept and the character of adjacent buildings; and
- F. The proposed structures have been designed to follow the natural contours of the site with minimal grading, minimum impervious cover, and maximum erosion protection. A stepped foundation shall generally be required where the average slope beneath the proposed structure is ten (10) percent or greater.

14.76.060 Application Requirements.

Plans and applications for design review approval shall be filed with the planning division in such form as the city planner shall prescribe. The application shall be accompanied by the payment of a processing fee in such amount as established by resolution of the city council.

14.76.070 Notification.

Notification shall be provided whenever an application for architecture and site review committee design review is required pursuant to this chapter. Applicants shall be responsible for providing notification via first-class mail to the adjoining property owners, in the manner set forth by the city planner, at least ten days prior to the meeting at which the applications is to be reviewed. The property owners who shall be mailed notice include, but are not limited to, the following:

- A. The two (2) adjoining property owners on each side;
- B. The three (3) adjoining rear property owners; and
- C. The five (5) adjoining front property owners across the street.
- D. As deemed appropriate or necessary, the city planner may require that notification be mailed to a greater or lesser number of property owner(s) than are identified above based on the configuration of the properties adjoining the site of the application.
- E. Notice shall also be posted on the project site near the front property line in accordance with the standards set by the city planner.

14.76.080 Expiration of Design Review Approval – Extensions.

A. Design review approvals granted pursuant to this chapter shall expire twenty-four months from the date on which the approval became effective, unless prior to such expiration date a building permit is issued for the improvements constituting the subject of the design review approval and construction thereof is commenced and prosecuted diligently toward completion.

B. Design review approvals may be extended for a period of time not exceeding twelve months. The application for extension shall be filed prior to the expiration date and shall be accompanied by the payment of a fee in such amount as established from time to time by resolution of the city council. Extensions of design review approval are contingent on the city planner finding that the project complies with all current zoning ordinance regulations.

14.76.090 Appeals.

A. Within fifteen days of any denial of an administrative design review request, the decision may be appealed to the architecture and site review committee.

B. Within fifteen days of any approval or denial of an architecture and site review committee design review request, the decision may be appealed to the city council.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 3. PUBLICATION. This ordinance shall be published as provided in Government Code section 36933.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective upon the commencement of the thirty-first day following the adoption date.

The foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on February 10, 2004 and was thereafter, at a regular meeting held on February 24, 2004 passed and adopted by the following vote:

Ayes: Cole, Packard, Casas, Lear, Moss
Noes: None
Absent: None



John Moss, Mayor

Attest:



Susan Kitchens, City Clerk